



**US Army Corps
Of Engineers**
Walla Walla District
201 North Third Avenue
Walla Walla, WA 99362-1876

Public Notice:

Application for Permit

APPLICATION NO.: NWW-2015-00330-B01

WATERWAY: wetlands adjacent to the Boise River

APPLICANT: Mark Hersh

DATE ISSUED: September 1, 2015

END DATE: September 30, 2015

30-Day Notice

Interested parties are hereby notified that the District has received an application for a Department of the Army permit for certain work in waters of the United States, including wetlands, as described below and shown on the attached drawings, entitled *Mark Hersh Wetland Fill-Beach*.

APPLICANT: Mark Hersh. 1474 W. Sherrington Ct., Eagle, Idaho 83616, telephone (650) 670-7165; email mark-hersh@sbcglobal.net

USACE PM CONTACT: Greg Martinez, Boise Regulatory Office, Telephone (208) 433-4465; email greg.j.martinez@usace.army.mil

PURPOSE: Discharge of fill material for the construction of a beach area.

LOCATION: The proposed project would be located in wetlands neighboring the Boise River at 1474 W. Sherrington Ct., Lot 24, Block 1 of Waters Edge Subdivision (The Shores), Phase 3, within Section 17 of Township 4 North, Range 1 East, near latitude 43° 24' 48.46" N and longitude -116° 22' 18.84" W, in Ada County, in Eagle, Idaho.

DRIVING DIRECTIONS: From Eagle Road and State Street (State Highway 44) in Eagle, Idaho travel 0.93 mile south on Eagle Road, turn right onto W. Two Rivers Road, travel 0.36 miles and turn left onto S. Channel Way, proceed 0.26 miles to Sherrington Drive; continue for 0.42 miles to W. Sherrington Ct., travel 0.22 miles to 1474 W. Sherrington Ct.

AUTHORITY: This permit will be issued or denied under the authority of Section 404 of the Clean Water Act (33 U.S.C. 1344). A Department of the Army permit is required for the discharge of dredged or fill material into waters of the United States, including wetlands.

WORK: Discharge 15 cubic yards of sand fill material into 181 square feet of wetlands located along the perimeter of a man made pond (#3) for the construction of a small beach.

ADDITIONAL INFORMATION: In June 2005, the Corps of Engineers issued an Individual Permit to South Channel LLC to develop the Shores Subdivision. Development of the subdivision included the filling of 2.19 acres of wet meadow and scrub-shrub wetlands and the excavation of 1.54 acre of wet meadow wetlands to construct pond amenities for the development. South Channel LLC compensated for wetland losses by enhancing existing wetlands along the Boise River and establishing wetlands around some of the constructed ponds. Lot 24

is adjacent to Pond #3 which has mitigation wetlands and natural wetlands along the NW side of the pond as shown on Drawing 2 of 3. The applicant has designed the beach project to avoid the mitigated wetlands and proposes to impact only 181 square feet of natural cattail wetlands located on a narrow fringe of easement land located along the west side of Pond #3. Except for this wetland impact, the construction of the applicants' home and other yard features will not impact any wetlands within Lot 24.

CONSTRUCTION PERIOD: Applicant proposes to start construction as soon as possible and complete work in 1 to 2 days. The permit would authorize construction for a period of three years.

PROPOSED MITIGATION: The applicant proposes the following mitigation measures to avoid, minimize, and compensate for impacts to waters of the United States from activities involving discharges of dredged or fill material.

Applicant has designed his home to avoid all wetlands with Lot 24. Further, applicant has reduced the size of the beach area within wetlands from 750 square feet to 181 square feet. To compensate for project wetland losses the applicant proposes to remove unpermitted fill (360 square feet) within the easement lands along Pond #3. This unpermitted fill appears to have been a temporary fill placed into wetlands when Pond #3 was being constructed and wasn't removed at end of construction.

OTHER ENVIRONMENTAL DOCUMENTS and DA PERMITS ISSUED TO APPLICANT: None

WATER QUALITY CERTIFICATION: This notice will also serve as public notice that the Idaho Department of Environmental Quality (IDEQ) is evaluating whether to certify that the discharge of fill material proposed for this project will not violate existing water quality standards. A Department of the Army permit will not be issued until water quality certification has been issued or waived by the IDEQ, as required by Section 401 of the Clean Water Act. If water quality certification is not issued, waived or denied within sixty (60) days of this public notice date, and an extension of this period is not requested by and granted to the IDEQ, certification will be considered waived. Additionally, within thirty (30) days of this Public Notice, any person may provide written comments to IDEQ to request in writing that IDEQ provide them notice of their preliminary 401 Certification decision. Comments concerning Water Quality Certification for this project should be mailed to: Idaho Department of Environmental Quality, Boise Regional Office, 1445 North Orchard, Boise, Idaho 83706.

AQUATIC RESOURCE DESCRIPTION: The proposed fill area is a narrow cattail swale that flanks Pond #3 and extends in a south westerly direction to the Boise River. Prior to construction of Pond #3 this wetland swale originated a few hundred feet to the northeast. The upper end was lost due to construction of Pond #3. What remains extends along the east and southwest side of Lot 24, is piped under W. Sherington Ct, parallels the north side of Lot 10 and merges into wetlands along the north bank of the South Channel of the Boise River.

ANTICIPATED IMPACTS ON AQUATIC ENVIRONMENT: The proposed project would fill 181 square feet of a cattail wetland.

OTHER AUTHORIZATIONS: Applicant may require a flood plain construction permit from the City of Eagle and approval from the Shores HOA for the proposed project.

CULTURAL RESOURCES: Coordination is currently being conducted with the office of the Idaho State Historic Preservation Officer to determine if this activity will affect a site that is listed on the National Register of Historic Places, or a site that may be eligible for listing on the Register. We are also coordinating with the appropriate Tribal entity or the Tribal Historic Preservation Offices for the Shoshone Bannock Tribes, to determine if there are any tribal historic or cultural interests within the project area.

TRIBAL TREATY RIGHTS and INTERESTS: Federal agencies acknowledge the federal trust responsibility arising from treaties, statutes, executive orders and the historical relations between the United States and American Indian Tribes. The federal government has a unique trust relationship with federally recognized American Indian Tribes, including the Shoshone Bannock Tribes. The Corps has a responsibility and obligation to consider and consult on potential effects to Tribal rights, uses and interests. The Corps further recognizes there may be a need for additional and on-going consultation.

ENDANGERED SPECIES: No listed threatened or endangered species or designated critical habitats are known to exist in the project area. Coordination is currently being conducted with the U.S. Fish and Wildlife Service (USFWS) to determine if the activity will have any effect on species designated as endangered or threatened under the Endangered Species Act, or their critical habitat, under the Endangered Species Act of 1973 (87 Stat. 844; 16 U.S.C. 1531 et.seq.).

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the National Marine Fisheries Service on all actions or proposed actions, permitted, funded or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). No EFH species are known to use the project area. Preliminarily, we have determined the described activity would have no effect on EFH.

ENVIRONMENTAL IMPACT STATEMENT: Preliminary review indicates the proposed activities will not require preparation of an Environmental Impact Statement. Comments provided will be considered in preparation of an Environmental Assessment.

EVALUATION: The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impacts, of the proposed activity on the public interest. This decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and in general, the needs and welfare of the people. In addition, our evaluation will include application of the EPA Guidelines (40 CFR 230) as required by Section 404(b) (1) of the Clean Water Act.

CONSIDERATION OF PUBLIC COMMENTS: The Corps of Engineers is soliciting comments from the general public; Federal, State and local agencies and officials, Tribal entities and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

PUBLIC HEARING: Any person may request in writing, within the comment period specified in this notice, that a public hearing be held to consider this proposed activity. Requests for a public hearing shall state specific reasons for holding a public hearing.

COMMENT & REVIEW PERIOD: Interested parties are invited to provide comments on the proposed activity, which will become a part of the record and will be considered in the final decision.

Please mail all comments to:

U.S. Army Corps of Engineers
Walla Walla District
ATTN: Greg Martinez
Boise Regulatory Office
720 E. Park Boulevard, Suite 245
Boise, Idaho 83712
greg.j.martinez@usace.army.mil

Comments should be received no later than the comment due date of **September 30, 2015**, as indicated on this notice, to receive consideration.

Greg Martinez
Sr. Project Manager
Walla Walla District

Enclosures